U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-00277 PROJECT LOCATION INFORMATION: State: New York County: **Dutchess** Center coordinates of site (latitude/longitude): lat:41-48-47.9880 lon:73-54-11.9880 Approximate size of area (parcel) reviewed, including uplands: 30.8 acres. Name of nearest waterway: Unnamed Tributary HUDSON RIVER - POUGHKEEPSIE TO TROY Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [X]Site visit(s) Date(s): May 14, 2003 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 5.79 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

- [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The site consists of an unnamed tributary to Crum Elbow Creek, and includes associated palustrine forested and emergent wetlands.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:
[[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland delincation map and/or in a delineation report prepared by: Charles P. May R.L.A.
]]]	Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). [] Headquarters deelined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). [] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. [] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water ereated by excavating and/or diking dry land to retain water for primarily aesthetic reasons. [] Water-filled depressions created in dry land incidental to construction aetivity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). [] Isolated, intrastate wetland with no nexus to interstate commerce. [] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: [] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: [] Other (explain):
[TA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): [X] Maps, plans, plots or plat submitted by or on behalf of the applicant. [X] Data sheets prepared/submitted by or on behalf of the applicant. [X] This office concurs with the delineation map, dated April 30, 2005, prepared by (company): Brian W. Franks, Land
]]]]]]]]]]	Surveyor, P.C. [] This office does not concur with the delineation report, dated [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic maps:Hyde Park [] U.S. Geological Survey 15 Minute Historic quadrangles: [] U.S. Geological Survey 16 Minute Historic quadrangles: [] U.S. Geological Survey 17 Minute Historic quadrangles: [] U.S. Geological Survey 18 Minute Historic quadrangles: [] U.S. Geological Survey 7.5 Minute Historic quadrangles: [] U.S. Geological

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01118 PROJECT LOCATION INFORMATION: State: New York County: Riehmond Center coordinates of site (latitude/longitude): lat:40-33-48.9960 lon:74-10-12.0000 Approximate size of area (parcel) reviewed, including uplands: 55 aeres. Name of nearest waterway: Arthur Kill Name of watershed: ARTHUR KILL JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit(s) Date(s): February 13, 2003 [X] Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 9.4 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [1 (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The subject wetlands contain two tidal crocks that lead into tidally influenced Richmond Crock, a tributary to the the Arthur Kill which is navigable.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[] Ordinary High Water Mark indicated by:	[X] High Tide Line indicated by:
[] elear, natural line impressed on the bank	oil or seum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[X] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	other:
[] other:	[]
[X] Mean High Water Mark indicated by:	
[X] survey to available datum; [X] physical marking	ngs; [X] vegetation lines/ehanges in vegetation types.
[X] Wetland houndaries, as shown on the attached wetl	and delincation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR	2 part 328(a)(1 2 or 4-7)
[] Headquarters declined to approve jurisdiction on the	
	that the following waters present on the site are not Waters of
the United States:	that the following waters present on the site are not waters of
[] Waste treatment systems, including treatment por	nds or Jagoons, pursuant to 33 CFR part 328 3
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by exeavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	yan parpooto to broth marring, maganion, coming cashie, c.
[] Artificial reflecting or swimming pools or other	small ornamental bodies of water created
by exeavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is
	s the definition of waters of the United States found at 33 CFR
328.3(a).	
[X] Isolated, intrastate wetland with no nexus to inte	erstate commerce.
	latural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated	
[] Other (explain):	• ,
, , , , , , , , , , , , , , , , , , ,	
DATA REVIEWED FOR JURISDICTIONAL DETERM	IINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalt	f of the applicant.
[X] Data shects prepared/submitted by or on behalf of t	the applicant.
[X] This office concurs with the delineation report,	dated Septembeer 2003, prepared by Baker Engineering NY, Inc.:
[] This office does not concur with the delineation	report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic may	ps:
[] U.S. Geological Survey 7.5 Minute Historic quadran	gles:
[] U.S. Geological Survey 15 Minute Historic quadrang	
[] USDA Natural Resources Conservation Service Soil	Survey:
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date): Field photos 13 February	<u>/ 2005</u>
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: 13 February	<u>2005</u>
[] Applicable/supporting case law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydrie soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2003-01362 PROJECT LOCATION INFORMATION: New York State: County: Dutchess Center coordinates of site (latitude/longitude): lat:41-50-18.9960 lon:73-55-36.0120 Approximate size of area (pareel) reviewed, including uplands: 43.1 acres. Name of nearest waterway: Hudson River HUDSON RIVER - POUGHKEEPSIE TO TROY Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit(s) [X] Date(s): December 1, 2004, May 24, 2005 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.9 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign eommerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands.

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industrics in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The site contains an unnamed tributary to Indian Creek, and includes associated palustrine forested, scrub shrub and emergent wetlands. Indian Creek is a tributary to the Hudson River.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	[] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
	[] clear, natural line impressed on the bank [] oil or seum line along shore objects
	[] the presence of litter and debris [] fine shell or debris deposits (foreshore)
	[] changes in the character of soil [] physical markings/characteristics
	[] destruction of terrestrial vegetation [] tidal gages
	[] shelving [] other:
	[] other:
	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Ecological Solutions, LLC.
	Basis For Not Asserting Jurisdiction:
	[] The reviewed area consists entirely of uplands.
	[] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	[X] The Corps has made a case-specific determination that the following waters present on the size are not Waters of the United States:
	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	[] Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	[] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	[X] Isolated, intrastate wetland with no nexus to interstate commerce.
	[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	[] Other (explain):
DA	TA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on behalf of the applicant.
	[X] Data sheets prepared/submitted by or on behalf of the applicant.
	[X] This office concurs with the delineation report, dated August 2003, prepared by (company): Ecological Solutions, LLC
	[] This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
	[] Corps' navigable waters' studies:
	[] U.S. Geological Survey Hydrologic Atlas:
	[X] U.S. Geological Survey 7.5 Minute Topographic maps:Hyde Park
	[] U.S. Geological Survey 7.5 Minute Historic quadrangles:
	[] U.S. Geological Survey 15 Minute Historic quadrangles:
	[] USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps:
	[] State/Local wetland inventory maps:
	[] FEMA/FIRM maps (Map Name & Date):
	[] 100-year Floodplain Elevation is: (NGVD)
	[] Acrial Photographs (Name & Date):
	[X] Other photographs (Date):
	[] Advanced Identification Wetland maps: [X] Site visit/determination conducted on:December 1, 2004, May 24, 2005
	[A] Site visit/determination conducted on: December 1, 2004, May 24, 2005 [J Applicable/supporting case law:
	TApplicable supporting case taw. Other information (please specify):
- 1	anier miamani (branca abasit)).

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made

dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2004-00875 PROJECT LOCATION INFORMATION: New Jersey County: Hudson Center coordinates of site (latitude/longitude): lat:40-45-47.0160 lon:74-3-41.0040 Approximate size of area (parcel) reviewed, including uplands: 8.0 acres. Name of nearest waterway: Haekensack River Name of watershed: HACKENSACK RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Date(s): August 30, 2004 Site visit(s) [X] Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.64 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The subject site is located along a portion of Penhorn Creek that is situated behind an existing tidegate. Both drainage ditches extend through the site and discharge to Penhorn Creek, a tributary of the Hackensack River.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natural line impressed on the bank	[] oil or seum line along shore objects
[] the presence of litter and dehris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	
[X] Mean High Water Mark indicated by:	
[X] survey to available datum; [] physical markit	ngs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached we Engineering.	tland delineation map and/or in a delineation report prepared by: Macdel
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CF	FR part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the	ne basis of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination	that the following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment p	
[] Artificially irrigated areas, which would revert	
[] Artificial lakes and ponds created by excavating	
-	such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other	
by excavating and/or diking dry land to retain v	
	idental to construction activity and pits excavated in dry land for less and until the construction or excavation operation is
	ts the definition of waters of the United States found at 33 CFR
328.3(a).	is the definition of waters of the Office States found at 33 CFR
[] Isolated, intrastate wetland with no nexus to int	erstate commerce
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	
Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETER	
[X] Maps, plans, plots or plat submitted by or on behalf of [X] Data sheets prepared/submitted by or on behalf of	••
	dated July 30, 2004, prepared by (company): Macdel Enginecring
[] This office does not concur with the delineation	
[] Data sheets prepared by the Corps.	report, dated , prepared by (company).
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographie n	naps:Wechawken
[] U.S. Geological Survey 7.5 Minute Historic quadra	
[] U.S. Geological Survey 15 Minute Historic quadran	
[] USDA Natural Resources Conservation Service Soi	
[] National wetlands inventory maps:	•
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[X] Aerial Photographs (Name & Date): NJMC, 2003	
[X] Other photographs (Date): July 2004	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: August 30,	2004
[] Applicable/supporting ease law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00206 PROJECT LOCATION INFORMATION: State: New Jersey County: Hudson Center coordinates of site (latitude/longitude): lat:40-48-51.0120 lon:74-1-6.9960 Approximate size of area (parcel) reviewed, including uplands: 14.45 acres. Name of nearest waterway: Hackensaek River Name of watershed: HACKENSACK RIVER JURISDICTIONAL DETERMINATION Desktop determination Completed: Date: Γ1 Site visit(s) Date(s): May 2, 2005 [X] Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Lateral Extent of Jurisdiction: (Reference: 33 CFR [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	parts 328 and 329) [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:
the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain verification [] Water-filled depressions created in dry land inciting the purpose of obtaining fill, sand, or gravel unlabandoned and the resulting body of water meet 328.3(a). [X] Isolated, intrastate wetland with no nexus to in	that the following waters present on the site are not Waters of conds or lagoons, pursuant to 33 CFR part 328.3. To upland if the irrigation ceased. It is an additional and to collect and such purposes as stock watering, irrigation, settling basins, or a small ornamental bodies of water created water for primarily aesthetic reasons. It is identified to construction activity and pits excavated in dry land for less and until the construction or excavation operation is to the definition of waters of the United States found at 33 CFR terstate commerce. Natural Resources Conservation Service. Explain rationale:
[X] Maps, plans, plots or plat submitted by or on behal [X] Data sheets prepared/submitted by or on behalf of [X] This office concurs with the delineation report, [] This office does not concur with the delineation [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographie n [] U.S. Geological Survey 7.5 Minute Historic quadrar [] U.S. Geological Survey 15 Minute Historic quadrar [] U.S. Geological Survey 15 Minute Historic quadrar [] USDA Natural Resources Conservation Service Soil [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [X] Other photographs (Date): [] Advanced Identification Wetland maps: [X] Site visit/determination conducted on:May 2, 2005 [] Applicable/supporting ease law: [] Other information (please specify):	If of the applicant. the applicant. dated September 20, 2004, prepared by (company): PMK Group report, dated , prepared by (company): naps:Wechawken ngles: ngles: I Survey:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00207 PROJECT LOCATION INFORMATION: State: New Jersey County: Bergen Center coordinates of site (latitude/longitude): lat:40-49-22.0080 lon:74-5-20.0040 Approximate size of area (pareel) reviewed, including uplands: 4.3 acres. Name of nearest waterway: Hackensack River Name of watershed: HACKENSACK RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit(s) [X]Date(s): May 3, 2005 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

[] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
	[] clear, natural line impressed on the bank
	[] the presence of litter and debris [] fine shell or debris deposits (foreshore)
	[] changes in the character of soil [] physical markings/characteristics
	[] destruction of terrestrial vegetation [] tidal gages
	[] shelving [] other:
	[] other:
	Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
[]	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of
	the United States:
J	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
1	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by exeavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
1	rice growing.
ļ	Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	[] Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
L	1 - Mar (angland)
DATA	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):
[X]	Maps, plans, plots or plat submitted by or on behalf of the applicant.
[]	Data sheets prepared/submitted by or on behalf of the applicant.
[X] This office concurs with the delineation report, dated December 2004, prepared by (company): Edwards and Keley
[] This office does not concur with the delineation report, dated , prepared by (company):
[]	Data sheets prepared by the Corps.
	Corps' navigable waters' studies:
	J.S. Geological Survey Hydrologic Atlas:
	U.S. Geological Survey 7.5 Minute Topographic maps: Weehawken
	J.S. Geological Survey 7.5 Minute Historic quadrangles:
	J.S. Geological Survey 15 Minute Historic quadrangles:
	JSDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps:
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
	00-year Floodplain Elevation is: (NGVD)
	Acrial Photographs (Name & Date):
	Other photographs (Date):
	Advanced Identification Wetland maps:
	Site visit/determination conducted on:May 3, 2005
	Applicable/supporting case law:
110	Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00209 PROJECT LOCATION INFORMATION: State: New Jersey County: Hudson Center coordinates of site (latitude/longitude): lat:40-47-22.9920 Ion:74-2-18.9960 Approximate size of area (parcel) reviewed, including uplands: 6.9 acres. Name of nearest waterway: Hackensack River Name of watershed: HACKENSACK RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit(s) Date(s): May 2, 2005 [X]Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or eould be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Approximately 6.9 acres of uplands are located within the 6.9 acres delineated portion of Block 227, Lot 9.

[] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	[] onler.
[] other.	
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[X] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFI	R part 328(a)(1 2 or 4-7).
[] Headquarters declined to approve jurisdiction on the	
	hat the following waters present on the site are not Waters of
the United States:	that the following waters present on the site are not waters of
[] Waste treatment systems, including treatment po	ands or laggoons, pursuant to 33 CFR part 328 3
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	such purposes as stock watering, hinguiton, setting basins, or
[] Artificial reflecting or swimming pools or other	small ornamental bodies of water greated
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meets	ess and until the construction or excavation operation is s the definition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to inte	
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	d on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	AINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behal	
[X] Data sheets prepared/submitted by or on behalf of	the applicant.
[X] This office concurs with the delineation report,	dated December 23, 2004, prepared by (company): George Cascino
[] This office does not concur with the delineation	report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic ma	ips:
[] U.S. Geological Survey 7.5 Minute Historic quadrar	ngles:
[] U.S. Geological Survey 15 Minute Historic quadran	gles:
[] USDA Natural Resources Conservation Service Soil	
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
Other photographs (Date):	
Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on:May 2, 2005	
[] Applicable/supporting case law:	
Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, heach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00460 PROJECT LOCATION INFORMATION: State: New York County: Dutchess Center eoordinates of site (latitude/longitude): lat:41-29-49.9920 lon:73-58-50.0160 Approximate size of area (pareel) reviewed, including uplands: 12.39 acres. Name of nearest waterway: Hudson River Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Desktop determination Completed: [] Date: Site visit(s) Date(s): May 19, 2005 [X] Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.36 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The unnamed drainage ditch that extends through the site discharges off site to the Hudson River.

[X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:
1	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Schmid and Company, Inc.
]]]	Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). [X] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. [] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by exeavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. [] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or exeavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). [X] Isolated, intrastate wetland with no nexus to interstate commerce. [] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: [] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: [] Other (explain):
[TA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): [X] Maps, plans, plots or plat submitted by or on behalf of the applicant. [X] Data sheets prepared/submitted by or on behalf of the applicant. [X] This office concurs with the delincation report, dated February 23, 2004, prepared by (company):Schmid and Company,
1]]]]]]]]]	nc. [] This office does not concur with the delineation report, dated , prepared by (company):] Data sheets prepared by the Corps.] Corps' navigable waters' studies:] U.S. Geological Survey Hydrologic Atlas: X] U.S. Geological Survey 7.5 Minute Topographic maps:West Point] U.S. Geological Survey 7.5 Minute Historic quadrangles:] U.S. Geological Survey 15 Minute Historic quadrangles:] U.S. Autural Resources Conservation Service Soil Survey: X] National wetlands inventory maps:West Point] State/Local wetland inventory maps: [FEMA/FIRM maps (Map Name & Date):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means hordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, heach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2005-00711

State:

New York

County:

Delaware

Center coordinates of site (latitude/longitude): lat:42-20-43.4040 lon:74-42-57.4920

[]

Approximate size of area (parcel) reviewed, including uplands: 0.25 acres. Name of nearest waterway: Unnamed Tributary to West Branch Delaware River

Name of watershed: DELAWARE RIVER

JURISDICTIONAL DETERMINATION

Completed:

Γ

Desktop determination

[X]Date: July 25, 2005

Site visit(s)

Date(s):

Jurisdietional	Determination	(JD)
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[X	Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
[]	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[]((1)	The presen	ice of waters,	which are	currently	used, or	were us	sed in the	past, or m	ay be susce	eptible to 1	use in
	i	interstate o	r foreign con	imerce, inc	luding all	waters	which ar	re subjeet	to the ebb	and flow o	f the tide.	
					4 41 4							

[] (2) The presence of interstate waters including interstate wetlands¹.

[] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The stream is a tributary to the West Branch Delaware River, which is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR page 12) [X] Ordinary High Water Mark indicated hy: [X] clear, natural line impressed on the bank [X] the presence of litter and debris [X] changes in the character of soil [X] destruction of terrestrial vegetation [X] shelving [] other:	parts 328 and 329) [] High Tide Line indicated by: [] oil or seum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	; [] vegetation lines/ehanges in vegetation types.
1	[] Wetland boundaries, as shown on the attached wetla	nd delineation map and/or in a delineation report prepared by:
 	the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating a retain water and which are used exclusively for some rice growing. [] Artificial reflecting or swimming pools or other some hy excavating and/or diking dry land to retain was [] Water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets 328.3(a). [] Isolated, intrastate wetland with no nexus to interplace in the purpose of the same properties.	basis of 33 CFR part 328.3(a)(3). note the following waters present on the site are not Waters of onds or lagoons, pursuant to 33 CFR part 328.3. To upland if the irrigation ceased. and/or diking dry land to colleet and uuch purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created after for primarily aesthetic reasons. Tental to construction activity and pits excavated in dry land for ss and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR state commerce. State commerce. atural Resources Conservation Service. Explain rationale:
0 0 0 0 0 0 0 0 0 0 0 0 0 0	EVIEWED FOR JURISDICTIONAL DETERMINAT [X] Maps, plans, plots or plat suhmitted by or on hehalf [] Data sheets prepared/submitted by or on behalf of th [] This office concurs with the delineation report, de [] This office does not concur with the delineation of [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic material of the Minute Historic quadranty of the Minute Historic of the Min	of the applicant. e applicant. ated , prepared by (company): coport, dated , prepared by (company): aps: Hobart, NY gles: cles:

DATA

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.